FEB 11 195
HAROLD B. WILLEY,

No. 525.

IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1954.

RALPH BECKER,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

REPLY BRIEF OF PETITIONER.

LEONARD F. SCHMITT,
Counsel for Petitioner.

P. O. Address:
1006½ East Main Street,
Merrill, Wisconsin.

St. Louis Law Printing Co., 415 North Eighth Street. CEntral 1-4477.

No. 525.

IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1954.

RALPH BECKER,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

REPLY BRIEF OF PETITIONER.

LANGFORD v. U. S. DISTINGUISHED.

Respondent cites Langford v. U. S., 178 F. (2) 48 (C. C. A. 9th), and says in that case "there was evidence that, while the **beginning of a journey was for the legitimate purpose of a Mexican marriage,** the events in Mexico gave rise to a different purpose for the return trip * * *." (Emphasis ours.)

Respondent clearly misconstrues the evidence and the holding in the Langford case. In that case the Ninth C. C. A. clearly recognized the doctrine of the Mortensen case. It pointed out the circumstances in the Langford case warranted a finding that the entire purpose of the trip to Mexico was not for an **innocent** purpose but for the illicit purpose of holding the female in prostitution. Upon rehearing it also distinguished the **Oriolo** case by pointing out that there also the trip started out with an innocent purpose **contrary to the situation in the Langford case.**

In the case at bar there is no scintilla of evidence from which it can be inferred the outgoing trip was anything but entirely innocent. This is admitted all around.

This being so, the trip cannot be **split in two** so as to make the return trip criminal or the Mortensen case is overruled.

Respectfully submitted,

LEONARD F. SCHMITT,
Counsel for Petitioner.

February 9, 1955.